HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (S) No. 2309 of 2007

PETITIONERS

1] Dinesh Kumar Netam, S/o. Gokul Ram Netam, Aged about 41 years, R/o. Village Kodejunga, Tahsil Kokpur, District Kanker (CG)

2] Mangau Ram Potai, S/o. Late Sudram Potai, Aged about 41 years, R/o. Village Sidesar, Tahsil Kanker, District Kanker (CG)

3] Ashok Ram Badhai, S/o. Late Savant Ram Badhai, Aged about 40 years, R/o. Village Potgaon, Tahsil and District Kanker (CG)

4] Rajendra Kumar Netam, S/o. Satte Ram Netam, Aged about 38 years, R/o. Suravand, Post Udkuda, District Kanker (CG)

5] Narayan Ram Dhaneriya, S/o. Mahettar Ram Dhaneria, Aged about 40 years, R/o. Village Potgaon, Tahsil & District Kankar (CG)

6] Narendra Kumar Rajak, S/o. Gend Ram Rajak, Aged about 40 years, R/o. Village Bande, Post Bande, Tahsil Pakhanjur, District Kanker (CG)

7] Gangadhar Sharma, S/o. Leeladhar Sharma, Aged about 40 years, R/o. Lodhipara, Kampa, Raipur, District Raipur (CG)

8] Ramswaroop Lavetre, S/o. K.R.Lavetre, Aged about 39 years, R/o. Village Jepra, Tahsil Charama, District Kanker (CG)

111

9] Brijlal, S/o. Bheekham Singh, Aged about 42 years, R/o. Village Korar, District Kanker (CG)

10] Rajkumar Sinha, S/o. Girdhari Lal, Aged about 41 years, Ro. Village Korar, Tahsil Bhanupratappur, District Kanker (CG)

11] Gareeb Ram, S/o. Salik Ram, Aged about 42 years, R/o. Village Jepra, District Kanker (CG)

12] Maniram Patel, S/o. Durju, Aged about 45 years, R/o. Village Jepra, Tahsil Charama, District Kanker (CG)

VERSUS

RESPONDENTS : 1] State of Chhattisgarh, Through: Secretary, School Education, Department, D.K.S. Bhawan, Raipur, District Raipur (CG)

2] District Education Officer, North Bastar, Kanker, District Kanker (CG)

3] Director, Public Education, Directorate, Raipur, District Raipur (CG)

4] Collector, Kanker, District Kanker (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Present: Shri Manoj Paranjpe, Advocate for the petitioners.
Shri Vinay Pandey, Panel Lawyer for the State / respondents.

ORDER
(Passed on 13th of April, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners were granted regular pay scale w.e.f. 29.11.2005, thereafter vide the impugned order dated 20.02.2007 passed by the

(112)

District Education Officer, Kanker, District Kanker No. स्था. 2/आक. नि.भू./2006–07/3032/कांकेर दिनांक 20.02.2007 (Annexure P-8, 15, 16, 17, 18, 19, 20 & 21), grant of regular pay scale were withdrawn without any rime and reason and without affording any opportunity of hearing.

2. An identical issue was considered by this Court in the matter W.P. No. 2125 of 2002 (Sant Kumar & Others Vs. State of Chhattisgarh & Others) which was allowed vide order dated 18th January, 2006. Against the said order, the State Government preferred a Special Leave Petition (Civil) No. 17122/2006 (State of Chhattisgarh & Others Vs. Sant Kumar & Others) before the Hon'ble Supreme Court, which was also rejected on 09.10.2006. The learned counsel appearing for the respondent/State does not controvert the submission made by the petitioner.

3. In view of the above, this petition is allowed in the terms of order dated 18th January 2006 passed in W.P. No. 2125 of 2002 (Sant Kumar & Others Vs. State of Chhattisgarh & Others). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash